

## REMARKS

Claims 3-6 are pending in this application. As set forth above, Claims 3, 5 and 6 are amended. As explained below, applicant respectfully submits that the pending claims are now in condition for allowance over the cited prior art. A clean copy of the amended claims are attached hereto as Exhibit A.

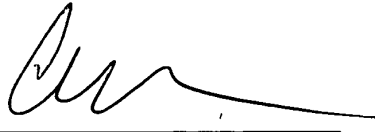
Claims 3-5 were rejected under 35 U.S.C. 102(b) in light of the Aquasport brochure. Aquasport refers to a specific boat sold as a package with a top sized to fit the dimensions of that particular boat. The present invention as set forth in Amended Claims 3-5 is directed to a customizable boat covering kit adapted for installation on a variety of different boats of varying sizes. Amended Claim 3 sets forth that the vertical support frames as well as the horizontal supports will be permanently trimmed from a predetermined length to a length to fit the dimensions of the particular application. Aquasport does not disclose such a customizable boat cover kit. In fact, Aquasport teaches away from the present invention since it is directed to fitting a boat cover of a particular size to a particular boat without any teaching that it can be customized to fit a plurality of different sized boats. Thus, it is respectfully submitted that Amended claims 3-5 are not anticipated by Aquasport.

Claim 6 was rejected under 35 U.S.C. 103(a) as unpatentable over Aquasport in view of Daggett et al. The Office Action indicates that Daggett discloses height adjustment for a golf cart cover and can be combined with Aquasport. First, the applicant submits that one of ordinary skill in the art of boat design would not look to a reference in the golf cart field to solve problems in the boat field. In addition, nothing in Daggett indicates that its teaching is applicable to boat designs. Second, Amended claim 6 is directed to adjusting the support frame of the boat cover to fit the particular dimensions of the boat by permanently removing material from the standard sized horizontal and vertical support frames. Daggett teaches variable adjustment but not by permanent removal of material to achieve the adjustment. Thus, applicant respectfully submits that amended claim 6 is allowable over the art cited by the Examiner.

For all the foregoing reasons, applicant respectfully submits that the pending claims are allowable. If the Examiner believes that the prosecution of this case will be expedited by telephone contact with applicant's attorney, please contact the undersigned at 732-761-1610.

Dated: December 4, 2003

**Respectfully Submitted,  
Mandel & Peslak, LLC**

By: 

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## **EXHIBIT A**

- 3) (amended) A customizable boat covering structure kit for fitting to a plurality of different sized boats comprising:
  - a) a customizable frame for mounting to a deck of the boat wherein the customizable frame comprises two vertical support frames that are trimmed from a standard size to a predetermined height from the deck of the boat and further comprising a top end and a bottom end and a reinforcing grid adapted for rigid mounting to the top end of the vertical support frames;
  - b) a lid adapted to be rigidly mounted to the reinforcing grid; and
  - c) means for rigidly connecting the bottom of the vertical support frames to the deck of the boat.
- 5) (amended) The boat covering structure of claim 3 wherein the vertical support frames comprise a plurality of generally vertical pipes and a plurality of horizontal connecting pipes wherein the plurality of horizontal connecting pipes are sized for a width corresponding to the desired mounting width and are adapted to be rigidly connected to the plurality of generally vertical pipes.
- 6) (amended) A method for installing a customizable boat covering structure kit on a deck of a variety of different sized boats comprising the steps of:
  - a) determining a plurality of mounting points on the deck of the boat for the structure;
  - b) providing a plurality of customizable standard size vertical support frames of a predetermined length with a plurality of bottom ends corresponding to the plurality of mounting points;
  - c) determining the height of the boat covering structure relative to the boat deck;
  - d) adjusting the height of the vertical support frames by permanently removing part of the vertical support frames so that the final length is

less that the predetermined length to correspond to the determined height;

- e) providing a reinforcing grid adapted to be rigidly connected to the top end of the plurality of vertical support frames;
- f) providing a plurality of customizable horizontal supports adapted to fit the width of the boat and to be rigidly connected to the vertical support frames;
- g) rigidly connecting a lid to the reinforcing grid to form a solid structure; and
- h) rigidly mounting the solid structure at the plurality of mounting points on the deck of the boat.